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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,083	06/27/2001	Kiyomi Utsumi	33732	4255
116	7590	03/30/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			VO, HUYEN X	
ART UNIT		PAPER NUMBER		2655
DATE MAILED: 03/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/893,083	UTSUMI, KIYOOMI
	Examiner	Art Unit
	Huyen Vo	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 12 November 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant has submitted an amendment filed 11/12/2004, amending claims 1-9 to include additional limitations (see *claim amendment*), while arguing to traverse the art rejection based on amended limitations. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection necessitated by claim amendment.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Laid-Open Publication No. H06-164277 (*incorporated by reference*) in view of Yoshizumi (US 5530768).

4. Regarding claims 1, 4, and 7, Patent Laid-Open Publication discloses an envelope generator, method, and computer-readable medium having instructions recorded thereon, comprising: an input terminal for having a signal inputted therein (*element 61 in fig 5*); a first integrator for generating intermediate state of envelopes

with a first attack time and a first release time in response to changes in level of said signal inputted through said input terminal to impart said intermediate state of envelopes to said signal (see *figure 1, sections [0021]-[0022], and element 66 in figure 5*); a second integrator for respectively modifying said intermediate state of envelopes into final state of envelopes with a second attack time and a second release time in response to changes in level of said signal outputted from the first integrator to impart said final state of envelopes to said signal (see *figure 1, sections [0021]-[0022], and element 66 in figure 5*); and an output terminal for outputting said signal with said final state of envelopes therethrough (*output terminal 68 in figure 5*), wherein said second attack time is equal to a desired attack time (*attack coefficient a1 in figure 1 is a desired attack time*); and the sum of said first release time and said second release time is equal to a desired released time (*the operation of figure 1, when the level of the input signal is smaller than the level of the feedback signal, signals produced by release coefficient multiplier A 3 and B10 are selected and added together by adder 7, and the result is the desired release time*).

Patent Laid-Open Publication fails to specifically disclose that the first attack time is equal to zero. However, Yoshizumi teaches the attack time may equal to zero second (col. 7, lines 22-23).

Since Patent Laid-Open Publication and Yoshizumi are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Patent Laid-Open Publication

by incorporating the teaching of Yoshizumi in order to enhance the rising portion of the speech to produce a clear and natural speech.

5. Regarding claims 2-3, 5-6, and 8-9, Patent Laid-Open Publication discloses an audio compression/expansion apparatus, method and computer-readable medium having instructions recorded thereon, comprising: an input terminal for having an audio signal inputted therein (*element 61 in figure 5*); a sampling element for periodically sampling said audio signal to obtain an absolute value in level of said audio signal (*the sampling element is inherently included in the system for sampling the signal into sample points inputted at element 61 in figure 5*); a subtracter for acquiring a difference between said absolute value and a predetermined threshold value (*element 64 in figure 5*); a gain generator for generating a gain signal based on said difference between said absolute value and said predetermined threshold value (*section [0014], particularly “the multiplied attack signal is then adjusted its signal level”. This indicates that a gain generator is included in the system*); an envelope generator including a first integrator for generating intermediate state of envelopes with a first attack time and a first release time in response to changes in level of said gain signal outputted from the first integrator to impart said final state of envelopes to said gain signal (*see figure 1, sections [0021]-[0022], and element 66 in figure 5*), and a second integrator for respectively modifying said intermediate state of envelopes into final state of envelopes with a second attack time and a second release time in response to changes in level of said gain signal imparted said intermediate state of envelopes (*see figure 1, sections [0021]-[0022], and*

*element 66 in figure 5 ); a multiplier for multiplying said audio signal by said gain signal with said final state of envelopes (element 67 in figure 5); and an output terminal for outputting said audio signal multiplied by said gain signal therethrough (output terminal 68 in figure 5), wherein said second attack time is equal to a desired attack time (attack coefficient a1 in figure 1 is a desired attack time); and the sum of said first release time and said second release time is equal to a desired released time (the operation of figure 1, when the level of the input signal is smaller than the level of the feedback signal, signals produced by release coefficient multiplier A 3 and B10 are selected and added together by adder 7, and the result is the desired release time).*

Patent Laid-Open Publication fails to specifically disclose that the first attack time is equal to zero. However, Yoshizumi teaches the attack time may equal to zero second (col. 7, lines 22-23).

Since Patent Laid-Open Publication and Yoshizumi are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Patent Laid-Open Publication by incorporating the teaching of Yoshizumi in order to enhance the rising portion of the speech to produce a clear and natural speech.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2655

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huyen X. Vo

March 23, 2005

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SUSAN MCFADDEN  
PRIMARY EXAMINER